

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                    )  
                                  )  
vs.                            )                                    Cr. No. 18-0928 MV  
                                  )  
ROBERT HAACK,                )  
                                  )  
Defendant.                    )

UNITED STATES' MOTION FOR DEFINITE TRIAL SETTING

The United States submits this Motion for a Definite Trial Setting. The Court has set this case for trial on its August 26, 2019, trailing docket. In order to endure the appearance of its witnesses, and to allow all parties to arrange their trial and other schedules to accommodate the trial in this matter, the United States seeks a definite trial setting. In support of this motion, the United States submits the following:

1.       On March 28, 2018, the Grand Jury charged the Defendant in a six-count indictment with two counts of wire fraud, two counts of mail fraud, and two counts of 18 U.S.C. § 1159, that being violations of the Indian Arts and Crafts Act. In substance, the Indictment alleged that the Defendant had knowingly and intentionally devised a scheme to defraud by advertising for sale jewelry pieces on Ebay and falsely attributing those jewelry pieces to the Hopi Indian artist, Charles Loloma.

2.       About a year later, on April 9, 2019, the Grand Jury charged the Defendant in an eight-count superseding indictment, which included the prior counts and two counts of aggravated identity theft.

3. Since the Grand Jury returned the original indictment, the Court has granted five continuances, which have excluded a total of 390 days under the Speedy Trial Act.

4. The parties have a responsibility to negotiate toward plea a resolution in respect of judicial economy. Missouri v. Frye, 566 U.S. 134 (2012); Lafler v. Cooper, 566 U.S. 156 (2012); Fed. R. Crim. P. 11(c); 18 U.S.C. § 3161(h)(1)(G); Fed. R. Evid. 410. Negotiations have occurred without success. The parties now seek a trial setting.

5. One of the United States' anticipated witnesses, Special Agent Russell Stanford with the U.S. Fish and Wildlife Service, is currently on a detail assignment as an attaché to the United States Embassy in Liberville, Gabon, Africa. Because of this overseas assignment, SA Stanford has requested sixty days' notice of his trial testimony date. This notice is needed so that he can secure the necessary approvals to leave the Embassy and arrange the necessary travel from Africa.

6. The parties anticipate that no more than eight to ten days would be needed.

7. Counsel for both parties have discussed this matter and believe a firm setting would be in the interest of judicial efficiency, and for the parties the firm setting would be in the interests of coordination and resources needed to bring in witnesses for a trial since many of the witnesses do not live in Santa Fe, several live in Arizona, and, as mentioned, SA Stanford must arrange travel from Africa.

8. Defense counsel has been contacted and believes that a definite trial setting would be appropriate, but has represented that he will ask for a sixty-day continuance so as to have time to adequately prepare for trial.

WHEREFORE the United States respectfully requests that the Court grant the Motion for a Definite Trial Setting, and set the trial date to a date that is convenient to the Court's Calendar, as well as the parties' calendars.

Respectfully submitted,

JOHN ANDERSON  
United States Attorney

**Electronically filed on June 24, 2019**

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I HEREBY CERTIFY that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will cause a copy of this filing to be sent to counsel for Defendant.

**Filed Electronically on June 24, 2019**

Frederick T. Mendenhall  
Assistant United States Attorney